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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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Technology Center 2100

Application Number: 09/822,152
Filing Date: March 30, 2001
Appellant(s): CRANDALL, JOHN CHRISTOPHER

Ross Viguet
Reg. No. 42,203
<u>For Appellant</u>

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12 July 2006 appealing from the Office action mailed 3 August 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6075550	Lapierre	6-2000
6684240	Goddard	1-2004

DeStefano	6184885	2-2001
5832212	Cragun	11-1998
5757417	Aras et al.	5-1998
6393464	Dieterman	5-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

- Claims 1, 3-4, 9-12, and 16-19 are rejected under 35 U.S.C. 103(a) as being

  unpatentable over Lapierre (US 6075550, filed 23 December 1997, and further in

  view of Goddard (US 6684240, filed 15 December 1999), and further in view of

  DeStefano (US 6184885, filed 16 March 1998).

As per independent claim 1, Lapierre discloses a computerized document censor

comprising:

- A censor database of restricted terms (column 4, lines 60-64)

- A text comparator program for finding ones of the restricted terms in the

  document (column 4, lines 1-29)

Lapierre fails to disclose presenting restricted terms found in the document to a user.

However, Goddard discloses the method for presenting a user with restricted terms

(column 2, lines 43-52).

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to have combined Lapierre's method with Goddard's method, since

it would have allowed a user to adjust content rating parameters based upon censored

content (Lapierre: column 2, lines 54-58; Goddard: column, 2, lines 43-52).

Lapierre and Goddard fail to specifically disclose highlighting restricted terms.

However, DeStefano discloses highlighting words (column 27, lines 30-40).

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to have combined Lapierre and Goddard's method with

DeStefano's method, since it would have drawn attention to the potentially offensive

material used to adjust the content rating parameters (Lapierre: column 2, lines 54-58;

Goddard: column, 2, lines 43-52; DeStefano: column 27, lines 30-40).

As per dependent claim 3, Lapierre, Goddard, and DeStefano disclose the

limitations similar to those in claim 1, and the same rejection is incorporated herein.

Lapierre further discloses the document censor wherein the restricted terms comprise at

least one of: single words; phrases; and numbers (column 3, lines 42-45).

As per dependent claim 4, Lapierre, Goddard, and DeStefano disclose the

limitations similar to those in claim 1, and the same rejection is incorporated herein.

Lapierre further discloses the method wherein the text comparator program finds one of

the restricted terms via rules-based relationships (column 3, line 42- column 4, line 58:

Here, the rule-based relationship states that if an offensive word (restricted term) is found, then it is replaces with X's or other characters).

As per independent claim 9, the applicant disclose the limitations similar to those in claim 1. Claim 9 is similarly rejected under Lapierre, Goddard, and DeStefano.

As per dependent claim 10, Lapierre, Goddard, and DeStefano disclose the limitations similar to those in claim 9, and the same rejection is incorporated herein. Lapierre further discloses the method comprising the steps of:

- Storing a list of alternate expressions corresponding to the prohibited expressions (column 4, lines 48-52: Here, the X's or other characters are stored in the queue until they are displayed)

- Presenting a group of the alternate expressions corresponding to one of the prohibited expressions found in the document (column 4, lines 48-58: Here, the queue, containing the X's or other characters is output to the CC encoder and displayed to a user)

As per dependent claim 11, the applicant discloses the limitations similar to those in claim 3. Further, Lapierre discloses modifying a word list capable of containing words and phrases (column 5, lines 3-11). Claim 11 is similarly rejected under Lapierre, Goddard, and DeStefano.

As per dependent claim 12, Lapierre, Goddard, and DeStefano disclose the limitations similar to those in claim 10, and the same rejection is incorporated herein. Lapierre further discloses the method wherein the storing the list of the alternate expressions step comprises at least one of the steps of: entering alternate words;

entering alternate phrases; and entering rules of alternate communication relationships (column 4, lines 48-52: Here, the replacement of offensive words with X's is a rule of an alternate communication relationship).

As per independent claim 16, the applicant disclose the limitations similar to those in claim 1. Claim 16 is similarly rejected under Lapierre, Goddard, and DeStefano.

As per dependent claim 17, the applicant discloses the limitations similar to those in claim 10. Claim 17 is similarly rejected under Lapierre, Goddard, and DeStefano.

As per dependent claim 18, the applicant discloses the limitations similar to those in claim 11. Claim 18 is similarly rejected under Lapierre, Goddard, and DeStefano.

As per dependent claim 19, the applicant discloses the limitations similar to those in claim 12. Claim 19 is similarly rejected under Lapierre, Goddard, and DeStefano.

- Claims 2, 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lapierre, Goddard, and DeStefano, and further in view of Cragun (US 5832212, filed 19 April 1996).

As per dependent claim 2, Lapierre, Goddard, and DeStefano disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Lapierre discloses a database of restricted terms (column 4, lines 60-64). Lapierre fails to specifically disclose non-restricted terms corresponding to restricted terms. However, Cragun discloses restricted terms corresponding to non-restricted terms (column 5, lines 26-28 and column 6, lines 55-59).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Lapierre, Goddard, and DeStefano's database with Cragun's word pairing, since it would have allowed a user to associate acceptable substitutes with unacceptable words/phrases.

As per dependent claim 5, Lapierre, Goddard, and DeStefano disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Lapierre discloses use of a database (column 4, lines 60-64). However, Lapierre fails to specifically disclose gathering non-restricted terms into a database. However, Cragun discloses gathering non-restricted terms into a database (column 2, lines 15-50).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Lapierre, Goddard, and DeStefano's method with Cragun's method, since it would have allowed a user to specify replacement terms.

As per dependent claim 6, Lapierre, Goddard, DeStefano, and Cragun disclose the limitations similar to those in claim 2, and the same rejection is incorporated herein. Lapierre further discloses the censor wherein the censor provides alternative ones of the non-restricted terms to a user for selectively replacing the restricted terms found in the document (column 4, lines 48-52: Here, based upon the selected restricted terms, the restricted terms are replaced with X's or other suitable characters).

As per dependent claim 7, Lapierre, Goddard, DeStefano, and Cragun disclose the limitations similar to those in claim 2, and the same rejection is incorporated herein. Cragun further discloses editing capability for replacement terms (Abstract, lines 10-20).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Lapierre, Goddard, DeStefano, and Cragun's method with Cragun's method, since it would have allowed a user to manually direct the replacement process.

As per dependent claim 8, Lapierre, Goddard, DeStefano, and Cragun disclose the limitations similar to those in claim 2, and the same rejection is incorporated herein. Lapierre further disclose remote access to restricted term data by a user (column 5, lines 22-27).

- Claims 13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lapierre, Goddard, and DeStefano, and further in view of Aras et al. (US 5757417, filed 23 September 1997, herein Aras).

As per dependent claim 13, Lapierre, Goddard, and DeStefano disclose the limitations similar to those in claim 10, and the same rejection is incorporated herein. Lapierre fails to specifically disclose:

- Selecting data from the presented group
- Replacing the data with the data from the presented group

However, Aras discloses the presentation of multiple choices, and the replacement of data based upon the selected choice (column 12, lines 34-67).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Lapierre, Goddard, and DeStefano's method

with Aras's method, since it would have allowed a user to easily select replacement

content.

As per dependent claim 20, the applicant discloses the limitations similar to those

in claim 13. Claim 20 is similarly rejected under Lapierre, Goddard, DeStefano, and

Aras.

- Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

   Lapierre, Goddard, and DeStefano, and further in view of Dieterman (US

   6393464, filed 10 June 1999).

As per dependent claim 14, Lapierre, Goddard, and DeStefano disclose the

limitations similar to those in claim 9, and the same rejection is incorporated herein.

Lapierre fails to specifically disclose at least one predetermined administrator.

However, Dieterman discloses data access restricted to administrators (column 1, lines

62-67).

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to have combined Lapierre, Goddard, and DeStefano's method

with Dieterman's method, since it would have allowed an administrator to shield a user

from objectionable content (column 1, lines 51-56).

As per dependent claim 15, Lapierre, Goddard, and DeStefano disclose the

limitations similar to those in claim 10, and the same rejection is incorporated herein.

Lapierre fails to specifically disclose at least one predetermined administrator.

However, Dieterman discloses data access restricted to administrators (column 1, lines 62-67).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Lapierre, Goddard, and DeStefano's method with Dieterman's method, since it would have allowed an administrator to shield a user from objectionable content (column 1, lines 51-56).

(10) Response to Argument

With respect to claim 1, the appellant's initially argues that Lapierre operates on streaming data and does not use rating information while Goddard makes use of rating information (page 8), and the incorporation of Goddard would block the entire data stream (page 8). However, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). As the examiner has previously stated, Goddard would have suggested to one of ordinary skill in the art at the time of the appellant's invention presenting a user with restricted terms (Goddard: column 2, lines 43-52). Further, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Lapierre and Goddard, thereby allowing a user

to adjust content rating parameters based upon censored content (Goddard: column 2, lines 43-52; Lapierre: column 2, lines 54-58).

The appellant further argues that the combination of Lapierre and Goddard with DeStefano is improper (page 9). However, the examiner respectfully disagrees. The combination of Lapierre and Goddard teaches a censorship database used for finding and displaying restricted terms to a user to adjust content (Lapierre: column 4, lines 1-29 and 60-64; Goddard: column 2, lines 43-52). DeStefano discloses highlighting words (column 27, lines 30-40). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined DeStefano with the combination of Lapierre and Goddard, since it would have drawn attention to potentially offensive words, thereby allowing a user to adjust the content rating parameters based upon the highlighted content (Lapierre: column 2, lines 54-58; Goddard: column 2, lines 43-52; DeStefano: column 27, lines 30-40).

With respect to claims 9 and 16, the appellant presents arguments substantially similar to those presented with respect to claim 1. These arguments are not persuasive for at least the reasons presented above.

With respect to claim 2, the appellant argues that Cragun fails to teach replacement of an offensive word with a generalized term, instead replacing the offensive word with a "socially acceptable substitute (page 12)." The examiner agrees that an offensive word is replaced by a socially acceptable substitute. However, a socially acceptable substitute is a generalized term.

With respect to claim 4, the appellant argues that Lapierre fails to find restricted terms via a rule based relationship, instead using template matching (page 12). However, a template matching relationship is a rule based relationship. As disclosed by Lapierre, if a restricted term is detected, it is replaced with X's or other characters (column 3, line 42- column 4, line 58). This is rule based, in that if a first portion of the rule occurs (an restricted term is detected), then a second rule portion is executed (the term is replaced).

With respect to claim 6, the appellant argues that Lapierre fails to provide non-restricted terms to a user for selective replacement (page 13). The examiner respectfully disagrees. Lapierre discloses providing a user with the ability to edit the list of censored words to meet the personal taste of the user (column 4, line 64- column 5, line 2). Further, based upon the censored word list presented to the user, the restricted terms are replaces with X's or other suitable characters (column 4, lines 48-52). With respect to claim 10, the appellant argues that Lapierre's automatic replacing of objectionable content with X's or other appropriate expressions fails to meet the claims. However, the examiner respectfully disagrees. Claim 10 merely states:

- Storing a list of alternate expressions corresponding to the prohibited expressions

- Presenting a group of the alternate expressions corresponding to one of the prohibited expressions found in the document

As disclosed above, Lapierre teaches:

- Storing a list of alternate expressions corresponding to the prohibited expressions (column 4, lines 48-52: Here, the X's or other characters are stored in the queue until they are displayed)

- Presenting a group of the alternate expressions corresponding to one of the prohibited expressions found in the document (column 4, lines 48-58: Here, the queue, containing the X's or other characters is output to the CC encoder and displayed to a user)

With respect to claim 13, the appellant argues that all user choices in Aras are finalized before censorship filtering begins (page 14). However, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). As the examiner has previously stated, Aras is relied upon to teach the presentation of multiple choice and the replacement of data based upon the selected choice (column 12, lines 34-67). The combination of Aras with Lapierre, Goddard, and DeStefano would allow a user to select data from a presented group and replace data with the selected data (Aras: column 12. lines 34-67). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Lapierre, Goddard, and DeStefano with Aras, since it would have allow a user to select

data from a presented group and replace data with the selected data (Aras: column 12.

lines 34-67).

The appellant further argues that the "motivation is circular in nature, stating that

it is obvious to make the modification (present multiple choices of terms for selection by

a user) because it is obvious to achieve the result (allow selective replacement of terms

by the user) (page 14)." The examiner recognizes that obviousness can only be

established by combining or modifying the teachings of the prior art to produce the

claimed invention where there is some teaching, suggestion, or motivation to do so

found either in the references themselves or in the knowledge generally available to one

of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir.

1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case,

Aras discloses the desirability to present a user with the ability to select data from a

group to replace data (column 12, lines 34-67). Therefore, it would have been obvious

to one of ordinary skill in the art at the time of the applicant's invention to have

combined Lapierre, Goddard, and DeStefano with Aras, since it would have allow a user

to select data from a presented group and replace data with the selected data (Aras:

column 12. lines 34-67).

With respect to claim 15, the appellant argues that Dieterman fails to teach the

replacement of expressions being restricted to an administrator (page 15). Dieterman

discloses the user's communications being controlled by an administrator (column 1,

lines 51-56). This in combination with Lapierre, Goddard, and DeStefano discloses an

administrator controlling the replacement expressions. It would have been obvious to

one of ordinary skill in the art at the time of the applicant's invention to have combined

Lapierre, Goddard, and DeStefano with Dieterman, since it would have allowed an

administrator to shield a user from content (Dieterman: column 1, lines 51-56).

With respect to claim 17, the appellant presents arguments substantially similar

to those presented with respect to claim 10. These arguments are not persuasive for at

least the reasons presented above.

With respect to claim 20, the appellant presents arguments substantially similar

to those presented with respect to claim 13. These arguments are not persuasive for at

least the reasons presented above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

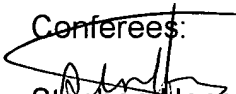For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Kyle Stork

STEPHEN HONG
SUPERVISORY PATENT EXAMINER

Conferees:

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